

REMARKS

The specification has been amended in the first sentence following the title to properly reflect the priority claim to USSN 09/528,904 as now issued USPN 6,379,904.

Restriction Requirement

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I (claim 1) drawn to a human PINCH protein homolog.

Group II (claims 2-3, 5, 7 and 13-14) drawn to a purified antibody that specifically binds PINCH and compositions.

Group III (claim 4) drawn to a method of making an antibody.

Group IV (claim 6) drawn to a method of preparing a monoclonal antibody.

Group V (claim 8) drawn to a method of using an antibody for immunopurification.

Group VI (claims 9-12) drawn to a method of using an antibody to detect expression of a protein.

Group VII (claims 15-16) drawn to a method for treating prostatic adenocarcinoma cancer.

Group VIII (claim 17) drawn to a purified agonist.

Group IX (claim 18) drawn to a purified antagonist.

Applicants hereby elect, with traverse, to prosecute Group II, which includes and is drawn to Claims 2-3, 5, 7 and 13-14). Applicants object to the excessive restriction of claims, in particular, methods of making and/or using the antibody of claim 2 which specifically binds the human PINCH homolog of claim 1. Such methods that depend from the claims to composition of matter and are likewise limited in scope to the composition of matter claims could be examined together with these claims without undue burden. Applicants further submit that claim 2 to an antibody that specifically binds the protein of claim 1 cannot be properly examined without an examination of the protein of claim 1.

Accordingly, applicants request reconsideration of the Restriction Requirement and examination of claims 1-14 of Groups I-VI. In the event the Examiner maintains the Restriction Requirement, applicants reserve the right to request rejoinder of process claims that depend from

or other wise are limited in scope to an allowed product claim in accordance with *In re Ochiai* and the MPEP 821.04

Applicants further reserve the right to prosecute the subject matter of non-elected claims in subsequent divisional applications.

CONCLUSION

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,

INCYTE CORPORATION

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